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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,386	03/07/2002	Koichi Emura	P22079	8736
7055 7590 05/19/2011 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
ALAM, MUSHFIK H				
ART UNIT		PAPER NUMBER		
2426				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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### Office Action Summary

**Application No.**

10/091,386

**Applicant(s)**

EMURA ET AL.

**Examiner**

MUSHFIKH ALAM

**Art Unit**

2426

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40, 42, 43, 45-47, 49, 50 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40, 42, 43, 45-47, 49, 50 and 52-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 40, 42-43, 45-47, 49-50, 52-54 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 40, 43, 44, 49, 50, 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauldin et al. (of which Wactlar et al. is incorporated by reference).

Referring to claim **40**, Mauldin et al. discloses a media distribution apparatus (Fig. 1) that includes a server (video library) and that selectively distributes views comprising original media of content and a preview summarizing the content to an external client terminal connected via a network (fig. 4 of Wactlar) (col. 3, l. 21-31), the media distribution apparatus comprising:

a storer that stores the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50, 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64) and describing viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44) and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the viewpoint

information, and the time information being assigned on a segment-by-segment basis (col. 7, l. 11-16), the viewpoint information comprising a keyword included in the first metadata for explaining the content (words from text or transcribed audio)(col. 7, l. 37-44);

a request receiver that receives a distribution request from the client terminal, the distribution request including identification information that identifies the content (col. 6, l. 57-61), at least one viewpoint information for extracting the segments of the first metadata, comprising the keyword included in the first metadata for explaining the content (col. 6, l. 57-61), information that indicates one of a media distribution request and a preview distribution request (col. 6, 57-61), and desired time information that is desired by a user of the external client terminal (col. 8, l. 40-42)(col. 14, l. 62-64 of Wactlar), the identification information and the at least one viewpoint information being selected from list information that is distributed in advance (col. 4, l. 35-67), the list information comprising the identification information of the content (col. 6, l. 57-61), a plurality of viewpoint information (col. 6, l. 57-61) and assigned to each segment making up the first metadata (col. 8, l. 8-15), and playback time information of the content (col. 7, l. 11-17);

a request analyzer that determines whether the distribution request received by the request receiver is a media distribution request or a preview distribution request for content (col. 3, l. 32-42);

a media extractor/generator that, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, a

plurality of segments for making up the preview and adapted to the at least one viewpoint information and the included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request (col. 5, l. 1-38), and dynamically generates the preview having a time length corresponding to the desired time information included in the received preview distribution request (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar), by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to plurality of segments fixed as the second metadata (col. 7, l. 11-23), the second metadata being different than the first metadata (i.e. skimmed output and new assembled audio interpreted to be different than original transcribed data) (col. 7, lines 10-65); and

a media transmitter that transmits the generated preview to the external client terminal (Wactlar discloses that the online portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

Referring to claim **43**, Maudlin et al. discloses a media distribution method (Fig. 1) in a media distribution apparatus that includes a server (video library), for selectively distributing views comprising original media of content and a preview summarizing the content (col. 3, l. 21-31) to an external client terminal connected via a network (fig. 4, of Wactlar), the media distribution method comprising:

storing the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50, 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64) and describing viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44), and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the viewpoint information and, and the time information being assigned on a segment-by-segment basis (col. 7, l. 11-16), the viewpoint information comprising a keyword included in the first metadata for explaining the content (words from text or transcribed audio)(col. 7, l. 37-44);

receiving a distribution request from the client terminal, the distribution request including identification information that identifies the content (col. 6, l. 57-61), at least one viewpoint information for extracting segments of the first data, comprising the keyword included in the first metadata for explaining the content (col. 6, l. 57-61) and information that indicates one of a media distribution request and a preview distribution request (col. 6, 57-61), and desired time information that is desired by a user of the external client terminal (col. 8, l. 40-42) (col. 14, l. 62-64 of Wactlar), the identification information and the at least one of the viewpoint information being selected from list information that is distributed in advance (col. 4, l. 35-67), the list information comprising the identification information of the content (col. 6, l. 57-61), a plurality of viewpoint information (col. 6, l. 57-61) assigned to each segment making up the first metadata (col. 8, l. 8-15), and playback time information of the content (col. 7, l. 11-17);

determining whether the distribution request received from the external client terminal is the media distribution request or the preview distribution request for the content (col. 3, l. 32-42);

when the distribution request is received from the external client terminal is determined to be the preview distribution request, extracting, from the first metadata, a plurality of segments making up the preview and adapted to the at least one viewpoint information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request (col. 5, l. 1-38), and dynamically generating the preview having a time length corresponding to the desired time information included in the received preview distribution request (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar), by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata (col. 7, l. 11-23), the second metadata being different than the first metadata (i.e. skimmed output and new assembled audio interpreted to be different than original transcribed data) (col. 7, lines 10-65); and

transmitting the generated preview to the external client terminal (Wactlar discloses that the online portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

Referring to claims **49** and **52**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the storer stores a plurality of metadata for a content (col. 4, l. 58-64).

Referring to claims **50** and **53**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the generated preview is cached according to a frequency of access to a corresponding content (col. 5, l. 6-9).

Referring to claim **54**, Maudlin et al. discloses a media distribution apparatus (Fig. 1) that selectively distributes views comprising original media of content and a preview summarizing the content (col. 3, l. 21-31) to an external client terminal connected via a network (Wactlar, fig. 4), the media distribution apparatus comprising:

a server (video library) that includes the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50, 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64), each segment comprising viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44), and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the viewpoint information being a keyword included in the metadata that explains the views (words from text or transcribed audio)(col. 7, l. 37-44);

wherein the server receives, from the external client terminal, a distribution request comprising content identification information (col. 6, l. 57-61), at least one



keyword (col. 6, l. 57-61), information indicating a media distribution request or a preview distribution request (col. 6, 57-61), and a time period set by the external client terminal for the preview to be generated by the server (col. 8, l. 40-42)(col. 14, l. 62-64 of Wactlar),

wherein the content identification information and the at least one keyword are selected by the client terminal from list information distributed in advance (col. 4, l. 35-67),

wherein the list information comprises the content identification information (col. 6, l. 57-61), a plurality of keywords (col. 6, l. 57-61) assigned to each segment making up the first metadata (col. 8, l. 8-15), and content playback time (col. 7, l. 11-17),

wherein the server determines whether the received distribution request is the media distribution request or the preview distribution request (col. 3, l. 32-42), and

wherein the server, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, segments having a viewpoint information corresponding to the at least one keyword selected by the external client terminal (col. 5, l. 1-38), generates the preview having the set time period by fixing a plurality of segments as second metadata using the time information (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar) and linking the views corresponding to the segments fixed as the second metadata (col. 7, l. 11-23), the second metadata being different than the first metadata (i.e. skimmed output and new assembled audio interpreted to be different than original transcribed data) (col. 7, lines 10-65); and transmits the generated preview to the client terminal (Wactlar discloses that the online

portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 42, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin et al. in view of Russo et al. (of record).

Referring to claims **42** and **45**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively.

Maudlin et al. does not specifically teach a charger that does not charge for the preview or charges according to a length of the generated preview.

Russo et al. discloses allowing a user to enjoy content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67).

It would have been obvious to modify Maudlin et al. to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while

allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

6. Claims 46, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin et al. in view of Jain et al.

Referring to claims **46** and **47**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively.

Maudlin et al. does not specifically teach that viewpoint options are displayed to a user prior to generating the preview.

Jain et al. discloses pre-processing video to associate metadata with segments of the video (col. 5, l. 63-67 & col. 6, l. 1-9) and allowing the user to generate timelines having only specific events in the video timeline, such as receptions made by a certain player (col. 29, l. 33-44 & Fig. 7).

Jain et al. further discloses that the event database is downloaded to the user prior to receiving the video content (col. 31, l. 42-55).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of summarizing video by keyword of Maudlin et al. to include displaying available keywords of events to the user as options for selection, such as that taught by Jain et al. in order to provide a more user-friendly interface.

***Response to Arguments***

7. Applicant's arguments filed 2/23/2011 have been fully considered but they are not persuasive.

Applicants argue that MAUDLIN et al. and WACTLAR et al. both fail to disclose (or even suggest) dynamically generating a preview in response to a distribution request and distributing the preview. MAUDLIN et al. and WACTLAR et al. are also submitted to fail to disclose (or suggest) providing information tools for realizing the above feature, such as Applicants' claimed first metadata, Applicants' claimed list information, and Applicants' claimed preview distribution request, or providing an information processing method of generating second metadata from first metadata.

In response to Applicant's ascertain that the cited art doesn't disclose "dynamically generating a preview in response to a distribution request and distributing the preview", the Examiner submits that Maudlin discloses the generation of a preview and its distribution to the users. Maudlin discloses skimming out which is interpreted as a summarized version of the video content, or preview. Wactlar incorporated by reference, teaches that the retrieval of segments are done according to user requests, request being dynamic in nature. Thus, Maudlin with Wactlar incorporated by reference is interpreted to read on "dynamically generating a preview in response to a distribution request and distributing the preview".

In response to Applicant's ascertain that the cited art doesn't disclose "first metadata", The Examiner submits that Maudlin discloses first metadata to be

transcribed audio and text data associated with the video as disclosed in the Office Action. This metadata is stored in the video library.

In response to Applicant's ascertain that the cited art doesn't disclose "list information", the Examiner submits that the list information is clearly described in Maudlin to be keywords to identify segments in video (i.e. football game, scoreboard). The list information according to the claims recites that the list information comprises identification information of the content. Maudlin teaches keywords which allow a user to search for segments related to the entered keyword. This is interpreted as the information desired by the user identifying the desired content.

In response to Applicant's ascertain that the cited art doesn't disclose "preview distribution request", the Examiner submits that the concept of a skimmed portion of video content to extract scenes and group them together is interpreted as a preview. Clearly disclosed in Maudlin (as shown in Office Action, fig. 3-4) is the disclosure of a request of skimmed output.

In response to Applicant's ascertain that the cited art doesn't disclose "providing an information processing method of generating second metadata from first metadata", the Examiner submits that after the skimming process is complete, the metadata (i.e. second metadata) associated with the skimmed output is different than the original metadata. In Maudlin the metadata is described to be transcribed text. Any scene with audio will have associated transcribed text, i.e. first metadata. According to the disclosure of fig. 3-4, and once skimmed output is created, the transcribed text or assembled audio track will be 'skimmed' and regrouped creating new metadata.

***Conclusion***

8. Claims 40, 42-43, 45-47, 49-50, 52-54 are rejected.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/  
Examiner, Art Unit 2426  
5/5/2011

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May 6, 2011